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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,936	07/25/2000	James D. Pravetz	07844-431001	7068

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EXAMINER
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KIANERSI, MITRA

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/07/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/624,936

Applicant(s)

PRAVETZ ET AL.

Examiner

mitra kianersi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Response to Arguments***

Applicant's arguments filed Jan/21/2004 have been fully considered but they are not persuasive.

Applicant on page 6, line 11, argues that Wolf does not describe a computer executable for processing a file. Examiner's reply: the reference Wolf teaches methods and systems for processing a file request, such as a URL for a web page (see Abstract). A file request is a request that receives from a client computer for a file in a network. The process involves a computer executable for processing a file of first file type (example: URL).

Applicant on line 24 of page 6 argues that Wolf does not disclose the processing of a file. Examiner's reply: A file can be an executable file for data file or both. A file can have one or more instructions.

A URL can be considered as a file. The subject matter of the reference Wolf teaches explicitly a method and a system for processing a file. Applicant on line 3 of page 7 argues that a file request such as a URL is not the processing of a file. Examiner's reply: a URL describes location of a resource, but in computer language or programming the description file needs to be executed in order to locate a resource.

Applicant on line 15 of page 7, argues that the reference Wolf does not describe a client receives files of a first and second type from a network. Examiner's reply: Wolf on Col 2, lines 25-33 teaches first server (first type file) and a second (second type file) server that determines the request attributes, processing rule information, determining whether the request attribute matches retrieving the substitute file, and returning the substitute file to the processing system over the network. Applicant on line 26 of page 7 argues that Wolf does not describe the first content type of file including a set of instruction. Examiner reply: Wolf on Col 2, lines 33-39, teaches the attributes or the content type of a file associated with a request or a received file.

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Applicant on page 9, lines 1-2, argues that Wolf does not describe instructions included within a received file that are executed to extract information from a computer.

Examiner's reply: Wolf on Col 2, lines 53-57 teaches the substitute file from second server (second type) file would be presented to the requesting client when the URL of the requested file first server (first type file) matches the attribute URL of the substitute file.

Applicant on line 14, of page 9 argues that Wolf does not describe the generation of an HTTP request that includes information extracted from a computer based on instruction from a received file. Examiner's reply: Wolf on Col 1, lines 37-39 teaches an internet user at a client computer typically uses an internet web browser also known as a HTTP client, that can process web pages coated in the HTML format. Applicant on page 10, line 25 argues that reference Jilk does not describe instructions contained within a received file that cause the installation of computer software in a computer. Examiner's reply: Jilk in abstract teaches the method includes sending a first web page to a first e-mail address via a computer network. The sent first web page may include one or more of links or forms for further interaction (could be a link to install upgrade of e-mail application etc). It is well known in the art that a web page has an option to install a group of computer instructions or software or Cookies or programs or upgrade the previous rejection still maintains.

Claims 1-26 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1- 6,12-19, and 25-26 rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe (U.S. Patent No.6, 397,246).

1. Regarding claim 1, Wolfe in abstract teaches an apparatus comprising: a computer executable for processing a file of a first file type, comprising: a first module that determines whether the file includes a first content type, the first module performing a first function if the file includes the first content type (Fig 3a, element 32), and a second module that determines whether the file includes a second content type, the second module performing a second function different from the first function if the file includes the second content type (Fig 3a, element 52); and a HTTP client that receives files of the first type and a second type from a network, the HTTP client causing the computer executable to process files of the first type.(Fig 3a, b) and (Col 5, lines 51-60)
2. Regarding claims 2, and 16, Wolfe teaches an apparatus and a method, wherein the first content type includes a set of instructions and the first module executes the instructions. (Col 2, lines 10-24)
3. Regarding claims 3 and 17, Wolfe teaches an apparatus and a method, wherein the apparatus is associated with a computer processor and the computer executable further comprises an extraction module, the instructions causing the extraction module to extract information from the computer. (Col 4, lines 7-14)
4. Regarding claims 4 and 12, Wolfe teaches an apparatus and a method, wherein the computer executable further comprises a third module for transmitting the extracted

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information by generating a HTTP request containing the information and sending the HTTP request over the network. (Col 1, lines 50-60)

5. Regarding claims 5 and 18, Wolfe teaches a method and an apparatus wherein the extracted information includes habitat Information. (Abstract)

6. Regarding claim 6 and 19, Wolfe teaches a method and an apparatus wherein the habitat information includes at least one of a machine ID, a storage ID, an Ethernet address, and a processor ID. (Col 2, lines 34-40)

7. Regarding claim 14, Wolfe in abstract teaches a method for processing a file comprising: receiving the file and information about the type of the file; determining a computer executable associated with the file based on the information about the type of the file; and causing the computer executable to process the file, with processing further comprising: determining whether the file includes a first content type, the computer executable performing a first function if the file includes the first content type (Fig 3a, element 32); and determining whether the file includes a second content type, the computer executable performing a second function different from the first function if the file includes the second content type.(Fig 3a, element 52)

8. Regarding claim 15, Wolfe teaches a method for generating a HTTP request containing information and sending the information by sending the HTTP request over a network. (Pg 1. lines 50-60)

9. Regarding claims 13 and 25, Wolfe teach an apparatus and a method, wherein the method is either a PUT or a GET method. (Page 5,line 54-55)

10.Regarding claim 26, Wolfe teaches a method, wherein the file contains the first content type and the second content type, the computer executable processing the file to perform both the first and the second function. The file includes a first content type

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and performs a first function if the file includes the first content type. The computer executable also includes a second module that determines whether the file includes a second content type and performs a second function different from the first function if the file includes the second content type. (Pg 2, lines 25-35) and (Fig 3a,b)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7-11 and 20-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe (US. Patent No. 6,397,246) and further in view of Jilk, et al. (US 2002/0010746)

11. Regarding claims 7 and 20, Wolfe discloses all the features of the claimed invention except that does not expressly show the method and system in which the instructions cause the first module to install computer software on a computer associated with the apparatus. However, Jilk, et al. in (Page 9, Part [0110] teach the mailer (module) transmits the HTTP request and waits for a response. The Web server locates the requested page or executes the specified application program (computer software) to generate the response page.

Accordingly, It would have been obvious to a person of ordinary skill in the networking art at the time the invention was made to have incorporated Wolfe's teaching of processing document requests using HTTP with the teaching of Jilk et al. for the purpose of improving capabilities of data communication using Hypertext Transfer Protocol (HTTP).

12. Regarding claims 8 and 21, Wolfe discloses all the features of the claimed invention except that does not expressly show the method and system where the computer software is an updated version of the computer executable for processing a file. However Jilk et al. in (Page 13, part [0146]) teach an update query is executed (step 1311) that changes the request status to "processing" for the row indicated by request.

13. Regarding claims 9-12 and 22-24, Wolfe does not show a method and an apparatus where at least one of the first and second functions includes displaying, uncompressing, and storing at least a portion of the information contained within the file. However Jilk et al. in (Page 15, [0169]) teach the steps are re-ordered so that portions of the final message are constructed as soon as the data is available. For example, the images could be translated while the message is built at the end rather than cached and stored.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi  
April/05/2004

  
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